

OUTGOING TELEGRAM Department of State

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ACTION: CIRCULAR

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REF: DEPCIRTEL 626

POLMO 493 CI POLAD AGENDA Item I

USREP should take following position.

In light Cuban situation, it more important than ever that NATO countries agree US proposal ~~XXXXX~~ DEPCIRTEL 626. Canadian Government has already taken unequivocal stand this question, and we hope others will follow.

US ~~XXXX~~ considers it also important that Soviet ability use Cuban and Czech scheduled Prague-Havana services be taken fully into account. USG would like see countries take effective action to prevent Cubans or Czechs from operating through their territory to Havana, preferably by means denying clearance these aircraft. If NATO countries feel they can not take this step because of Cuba and Czech adherence to Chicago Convention and International Air Services Transit Agreement, US urges NATO countries take effective steps make operation of services difficult and perhaps impossible, such as by ~~XXXX~~ delaying tactics. ~~XXXXXXXXXXXXXXXXXXXX~~ Harassment might include requirement Czech and Cuban aircraft make a stop in country being overflown for purposes inspection cargo. Authority for such action would be current Soviet offensive military buildup Cuba and Article 35 Chicago Convention which expressly prohibits air carriage of

munitions -

Drafted by: TRC:AV:MStyle:gmh 10/24/62

Telegraphic Transmissions and Classification approved by: G/PM - 8

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munitions or implements of war without permission state being overflown. It is implicit in this Article that aircraft which may be carrying military goods may be required to land and submit to search under Article 16. Most states have similar national regulations. Article 11 of Convention requires compliance with national regulations. As a minimum, US hopes NATO countries in which landings normally made will support quarantine by submitting Cuban and Czech aircraft destined for Havana to search for presence military items. If military items discovered, state should take action either confiscate goods or require their return. In addition, grounds would then exist refuse further overflight or landing permission on grounds violation Chicago Convention and most probably of national laws as well.

(NORMAL)
Circular 725/requests.

African governments take similar measures re SovBloc flights to Cuba. END

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